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AUG 26 2003

OFFICE OF PETITIONS

Applicant: Matsui et al.
Appl. No.: 09/980,701
Filing Date: November 2, 2001
Title: THERMALLY INSULATING MATERIAL HAVING EXCELLENT DURABILITY
AND METHOD FOR PRODUCTION THEREOF, AND USE THEREOF AND METHOD
FOR EXECUTION THEREOF
Attorney Docket No.: 11728/3
Pub. No.: US 2003/0017299 A1
Pub. Date: January 23, 2003

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on June 19, 2003 for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because published application includes an error in the filing date of the PCT application.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." The request for corrected publication received on June 19, 2003, was not timely filed under 37 CFR 1.221(b).

Furthermore, since the PCT application was not published in English, the error in the PCT filing date will not affect the use of the publication as a reference. The mistake also will not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. To help avoid these errors (errors in inventors name, continuity data, PCT filing date) in the future, applicant's representative should request a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: 703-305-8568

The application is being forwarded to Technology Center 1771 to await further examination in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt